

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Matthew N. SONGER et al.**

Appln. No.: **PCT/US2004/003205**

Filed: **February 5, 2004**

Title: **BONE PLATE SYSTEM**

Group

Art Unit: **Not Yet Assigned**

Examiner: **Not Yet Assigned**

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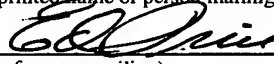
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**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN
UNINTENTIONALLY ABANDONED INTERNATIONAL
APPLICATION ELECTING THE UNITED STATES**

Dear Sir:

The above-identified International application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior of expiration of the time set in 37 CFR 1.495(b).

**APPLICANTS HEREBY RESPECTFULLY PETITION FOR REVIVAL OF THIS
UNINTENTIONALLY ABANDONED APPLICATION.**

The above-identified International Application No. PCT/US2004/003205 (hereafter "the PCT Application") was filed on February 5, 2004. The PCT Application claimed priority from US provisional application No. 60/445,005, filed February 5, 2003, and designated the United States. Pursuant to 35 U.S.C. §371, the payment of filing fees and completion of National Phase processing was due by August 5, 2005.

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The entire delay in filing the US national phase application from the filing due date of August 5, 2005, until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional.

This Petition includes:

1. Petition fee under 37 C.F.R. §1.17(m)(1) in the amount of \$750.00 for a small entity (*Trans. No. 25694*); and
2. Proper Reply, including:
 - a Transmittal letter PTO Form 1390, concerning filing under 35 U.S.C. 371, an authorization to charge our Deposit account 06-1135 in the amount of \$1,550.00 in payment of the Filing Fees under 1.492 for a small entity;
 - an Application Data Sheet;
 - a copy of Declaration and Power of Attorney (unexecuted);
 - a copy of the published PCT application WO 2004/071276 A2; and
 - a copy of the International Search Report with Written Opinion.

Favorable consideration of this Petition to Revive is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required in this Petition under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: October 21, 2005

By Timothy P. Maloney

Timothy P. Maloney
Registration No. 38,221
Attorney for Applicant

120 South LaSalle Street
Suite 1600
Chicago, IL 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007